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General Counsel

Entry, Residence, and Departure of Aliens

1. I have been asked by Mr. Wisner to discuss with you the general subject of the entry, residence, and departure of aliens in connection with the operations of your office. This is a complicated, highly technical, and frustrating subject -- complicated and technical because of the elaborate controls and frustrating because we are so often unable to find a satisfactory solution to your problems.

2. I believe the statutes controlling immigration and entry are the most detailed to be found, as they prescribe even the precise wording of forms which must be followed to the comma. In addition, the Government agencies concerned have issued voluminous regulations, and occasionally we find that they have their own unpublished decisions or rules which rise to plague us unexpectedly. On top of all this, and always to be kept in mind, are the many court cases interpreting the laws and regulations, sometimes in a surprising manner. It is unlikely that this situation will be changed for two main reasons.

3. First, if the people administering the rules were left with any discretion, they would be exposed to tremendous pressures in the foreseeable future. Many organizations are fighting for entry of groups in whom they are particularly interested, the strongest of these being the large Jewish and Catholic organizations. Congressmen and high executive officers are occasionally persuaded to interest themselves in particular cases. Witness the case of the Estonians who arrived in their own boat without permits, for whom the President himself interceded. The Visa Division even then could find no way to authorize permanent visas, and the Department of Justice was reluctantly compelled to proceed with deportation proceedings, although they seemed to be delaying in hope of legislative relief. Even individuals can assert strong pressures. A clerk in the Immigration Service once reported the offer to him of a bribe of \$50,000 not to falsify papers or to break the law but merely to expedite the normal processing of a case.

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4. Secondly, in addition to these pressures, there is a strong element in Congress, particularly the old line Southern Senator type, which is unalterably opposed to relaxation of immigration rules. It is this element that was primarily responsible for placing a provision in the D.P. Act of 1948 which requires charging those admitted under the Act against up to fifty per cent of succeeding annual quotas. It would be unrealistic therefore to hope for any general relaxation of entry restrictions which would be of any assistance to us in our problems. We have to proceed as best we can in cooperation with the agencies charged with the control of aliens.

5. Responsibilities are divided between the Secretary of State and the Attorney General. The only officers authorized to issue visas are Consuls and Consuls General. Since they are a part of the Foreign Service, the regulations concerning the issuance of visas are issued by the Secretary of State, and operational control lies in the Visa Division of the Department. The actual entry of aliens into the country and the responsibility for their control and deportation rests in the Bureau of Immigration and Naturalization, the Commissioner of which is directly responsible to the Attorney General. I wish to state parenthetically, but with emphasis, that the Visa Division and the Commissioner by and large have given us every cooperation with their limited abilities and are prepared to handle our problems securely and expeditiously. So much for general background.

6. The first separate subject I shall discuss is that of entry into the U.S. generally. It is normally necessary to obtain a visa on a valid travel document, even to obtain passage to the United States. There are certain rare cases where the Secretary of State is permitted to waive the visa requirement, but these are restricted to such situations as the return of aliens previously admitted for permanent residence, and other highly specialized cases, and are unlikely to be of use to us.

7. There are two broad classes of visas, which for purposes of this discussion will be called "quota visas" and "temporary visas". For many of the aliens we work with, the greatest inducement to serve the United States is a chance to come to this country for permanent residence. Such immigration is controlled by issuance of immigration visas allotted according to quotas set by law for each country. At present, the situation on quota visas is as follows.

  
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8. Preferential groups, also set by law, take up close to fifty per cent of the quotas for most of the countries with which we are concerned. The provision of the D.P. law which charges D.P.'s entering under that law against future quotas will take up another fifty per cent in the years to come. The remaining two or three per cent is oversubscribed by thousands, and the numbers are normally allocated according to the date of application. An exception is the establishment of certain priorities obtained through recommendation of the Joint Chiefs of Staff, which has been helpful in the past but is of little use in the present situation. Private bills in Congress are also charged as priorities. Thus, the quota situation is virtually hopeless.

9. There are several proposed solutions to this problem which will be presented early in the next Congress by the Department of State and the D.P. Commission. But, while their proposals might revive the usefulness of the JCS priorities, they would by no means answer our particular problems. We are therefore going to include in the proposed enabling act for CIA a provision which would allow the Director, with the concurrence of the Attorney General, to authorize permanent entry into the United States. However, he will have to certify that such entry is in the interest of national security or necessary to the functions of CIA. It is proposed that the number of such cases be limited to 100 per year, and even if we get it, that number may be reduced. This authority would, I feel, be a complete answer to our particular problem.

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11. Even temporary visas must be proposed and handled with great care, as they can cause an infinite amount of

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trouble and embarrassment to the Agency and the Government. If we request a temporary visa, it then becomes our responsibility, both to the Secretary of State and the Attorney General, to see that the individual departs in accordance with the terms of his visa. Of course, we can request extensions for official purposes, but there may come a time when we are through with the individual and he refuses to leave, requiring deportation proceedings which are costly, troublesome, and often extremely embarrassing. For this reason, it is obvious that any commitment for temporary visas must have the prior approval of the Director, since he will in all cases be held responsible for the disposition of the case.

12. A beautiful example of how the temporary visa can be misused comes up in the case of Mr. Karagheuzov, whose name and face hit the papers when he landed in Baltimore. Luckily, we were not responsible for his arrival. He was a minor Bulgarian diplomat in Istanbul and had been dickering with other than CIA Americans for a considerable period of time, even though under open surveillance by Communist party members with whom he roomed. The situation became impossible, and on the instance of an American official, a temporary visa was obtained from the American Consul, and Karagheuzov was put on a Turkish ship. No arrangements were made for his reception, so when he appeared in Baltimore, he was held by the immigration inspectors and given a prehearing. He frankly stated his intent to remain here permanently. Since this was in violation of the terms of his visa, he was immediately put under an exclusion order, which would require his deportation within thirty days unless the order were suspended or revoked.

Due to the publicity, certain MID officers were assigned to look into the case. The Army reported that it had no interest in insuring Karagheuzov's residence here. When approached, we stated that we never had had any interest in his entry into the United States. However, an element had arisen which required us to take action. Obviously, clandestine operations depend a great deal on faith and trust. Karagheuzov's disappearance had been widely publicized in Turkey and the Middle East. When he turned up in Baltimore, it was assumed that he had defected on a commitment of U.S. intelligence that he would be given asylum in the States. When the papers here reported that he was to be immediately deported, great play was made back in the Middle East on the fact

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that American intelligence could not, or would not, keep its commitments. The reaction was so serious that it became necessary for us to assure his stay here at least until the excitement over the case died down. Arrangements were therefore made for suspension of the exclusion order, and he is here looking for work. But the eventual disposition of the case is not yet clear and is still the responsibility of this Agency.

13. The lesson is clear, so far as dealing with aliens abroad is concerned, that no commitments may be made for permanent entry at this time, and if the Director gets authority to bring in a limited number, then only with his express prior approval. On temporary visas, prior approval from the Director's office must also be obtained, and, in addition, the project must be thought through to the point of eventual disposition, except in cases of great emergency or when unusual circumstances lead the Director to proceed without a final solution in sight. This failure to plan adequately has led to several long drawn out headaches, one of which ended in a series of court hearings and much publicity, and another of which took months of work on the part of at least a dozen people before the individual was deposited safely in South America. However, once the decision is made to bring an alien in on a temporary visa, the arrangements can be made rapidly and, where necessary, with great security.



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15. Once a visa is issued, or other arrangements are made for entry into the United States, we come within the purview of the immigration and naturalization officers. A visa does not guarantee entry, and under the law, the immigration officers must exclude certain categories, such as thieves, prostitutes, etc., where specified in the law. The law also authorizes the Attorney General to make determination of certain classes who will be excludable as belonging to groups which he determines to be subversive in one form or another and whose entry would therefore be against the national interest. Among the categories he has set are members of the Communist party, so that members or ex-members are by

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his determination not admissible for permanent residence and not normally admissible for a temporary visit. We can arrange an exception in the case of temporary entry, but technically the immigration officers are bound by the Attorney General's decision on the blanket exclusion of Communists for permanent residence. This decision furthermore makes alien Communists already in the country subject to deportation, and technically I&N is bound to institute deportation proceedings in all cases. It is obvious from such famous cases as that of Krevchenko that deportation will not be carried out where there are important reasons to allow such an alien to remain in the country. It would put the Attorney General in a bit of a spot to ask for a written commitment that he would honor our request to permit entry of Communist aliens for permanent residence. So until we obtain statutory authority for the Director, as mentioned above, to bring in a limited number of aliens without regard to any other provisions of law, we shall continue an informal understanding that at our request aliens who are Communists or ex-Communists may be retained here on our behalf in an indefinite status.

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19. Finally, there may be JCS applications for priority, or other steps in connection with changing temporary status to permanent status with which we can help, even to the point in exceptional cases of introducing private bills in Congress.

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